



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,538	09/19/2003	Bradley Berman	KING.005C1	5905
29159 7590 03/07/2007 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER HSU, RYAN	
			ART UNIT	PAPER NUMBER
			3714	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/07/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/666,538

Applicant(s)

BERMAN ET AL.

Examiner

Ryan Hsu

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 12/20/06. Claims 1, 24, 34, and 35 have been amended and claims 1-39 are current pending in the instant application.

Terminal Disclaimer

The terminal disclaimer filed on 12/20/06 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,632,140 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-23, 29-33, 35-36, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Vancura (US 6,033,307).

Regarding claims 1 and 35, Vancura teaches a method for facilitating a play of a slot game comprising: (a) presenting, in the play of the slot game, a display grid comprising a plurality of active display segments (*see reels [80,82, 84] of Fig. 1 and the related description thereof*); (b) presenting symbols in each of the active display segments (*see col. 3: ln 12-50*); (c) deactivating the active display segments that are associated with a discontinue symbol (*see col. 3: ln 12-50*); (d) determining which active

Art Unit: 3714

display segments, if any, have been deactivated; and (e) repeating (b) to (d) in the same play of the slot game until a predetermined number of the active display segments have been deactivated (*see col. 3: ln 12-50*).

Regarding claims 2-3, Vancura discloses a game machine wherein presenting a mechanical reel configuration comprising a plurality of active reel segments comprises presenting the active reel segments (*see Fig. 5 and the related description thereof*).

Vancura also teaches a bonus mode of play in response to presentation of a symbol combination during a standard mode of play that invokes the bonus mode of play and a bonus symbol set comprising the symbols presented in each of the active reel segments during the bonus mode of play is different than a standard symbol set comprising standard symbols presented in the reel configuration during the standard mode of play (*see col. 3: ln 12-47*). Furthermore, Vancura teaches of a secondary reel set that is different than the standard symbol set comprising standard symbols presented in the mechanical reel configuration of the standard mode of play (*see Fig. 1 and the related description thereof*).

Regarding claims 4-6, Vancura discloses a system where at least partially randomly selecting which symbol is to be presented in each of the active reel segments (*see col. 3: ln 12-59*). Additionally, Vancura teaches a game system where the symbol is presented comprises an associated reel strip having a predetermined symbol set to each of the active reel segments (*see Table VI and the related description thereof*). Furthermore, Vancura teaches a game system wherein associating a reel strip having a predetermined symbol set to each of the active reel segments comprises associating a different reel strip to each of the active reel segments (*'virtual reel' col. 7: ln 18-34*).

Art Unit: 3714

Regarding claims 7-8, Vancura discloses a system wherein at least partially randomly selecting which symbol is to be presented comprises associating a predetermined symbol set to a plurality of the active reel segments (*see col. 3: ln 12-50*).

Regarding claims 9-10, Vancura discloses a method wherein at the active reel segments that are deactivated by being associated with a discontinue symbol are de-emphasized to be distinguished from the active reel segments (*see Fig. 6 and the related description thereof*).

Regarding claims 11-15, Vancura discloses a method wherein presenting symbols in each of the active reel segments comprises presenting continue symbols in one or more of the active reel segments, wherein the continue symbols direct its respective one of the active reel segments to remain active (*see Table VI and the related description thereof*). Additionally, the method comprises associated a credit award with one or more of the continue symbols and implementing a credit award with one or more of the continue symbols. Furthermore, the credit award may have a positive, negative or null effect on an accumulated credit total (*ie: win or lose credit award of wager lost or gained based on predetermined payout scheme*) (*see col. 6: ln 1-50, col. 10: ln 24-67*).

Regarding claims 16-19, Vancura discloses a method comprising associating a credit award with one or more of the discontinue symbols. Where the discontinue symbols may have an additive effect a negative effect or a null effect on an accumulated credit total (*ie: win or lose credit award of wager lost or gained based on predetermined payout scheme*) (*see col. 6: ln 1-50, col. 10: ln 24-67*).

Regarding claims 20-23, Vancura discloses a method wherein repeatedly presenting symbols comprises automatically repeating presenting symbols and

Art Unit: 3714

deactivating the active reel segments until all of the active reel segments have been deactivated (*see reel and pay line process, col. 3: ln 42-col. 4: ln 68*). Additionally, the repeated presenting symbols comprise of providing a user interface to allow a participant to initiate each repeated presentation of symbols until all of the active reel segments have been deactivated (*see col. 3: ln 1-17*). Furthermore, the repeated presentation of symbols and deactivating the active reel segments until a predetermined number of the active reel segments have been deactivated comprises deactivating the active reel segments until all of the active reel segments have been deactivated (*see rotation of reels, col. 4: ln 19-40*).

Regarding claims 29-32, Vancura teaches a gaming machine wherein the casino gaming apparatus comprises a slot machine and the standard mode of operation of the slot machine is a slot game (*see slot machine of Fig. 1 and the related description thereof*). Additionally, Vancura discloses that the basic game may include a poker game, bingo game, or keno game (*see col. 5: ln 14-16*).

Regarding claim 33, Vancura discloses a gaming machine wherein the random presentation of symbols and the deactivation of reels occur through the spinning and stopping of the reels (*see col. 3: ln 12-67, col. 11: ln 1-30*). Additionally, Vancura discloses a processor configuring to repeat the process to randomly present the symbols and deactivation of the reels associated with the discontinue symbols until all of the reels have been deactivated (*see processor [20] of Fig. 5 and the related description thereof*).

Regarding claim 36 and 39, Vancura discloses a method of operating a reel segment that are prevented from presenting another symbol in the same play of the game (*see 'stop' and 'lose' play symbols on payline, col. 3: ln 12-45*).

Art Unit: 3714

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-28, 34, 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayeroff (US 6,186,894 B1) and further in view of Vancura (US 6,033,307).

Regarding claims 24 and 34, Mayeroff teaches a casino gaming apparatus hosting a game having at least a standard mode of operation and a bonus mode of operation, the casino gaming apparatus comprising: a video screen to present, in a play of the game, a display grid having a plurality of display cells (*see multiple pay line grid [21] of Fig. 1 and the related description thereof*); a user interface to facilitate player participation in at least the standard mode of operation (*see col. 5: ln 15-47*); and a processor programmed to (i) identify a predetermined symbol combination occurring on the display grid during the standard mode of operation to activate the bonus mode of operation, in the same play of the game (*see winning pay lines, col. 1: ln 45-col. 2: ln 45, col. 7: ln 5-43*); (ii) to randomly present symbols via a physical reel configuration which includes one or more reels having corresponding reel strips (*see display [21] and display [41] of Fig. 2 and the related description thereof*); (iii) deactivate any of the reels presenting a discontinue symbol (*ie: stopped reel locations*) and (iv) repeating the random presentation of symbols and deactivation of the reels associated with the discontinue symbols until a predetermined number of reels have been deactivated (*see col. 4: ln 29-col. 6: ln 54*).

Art Unit: 3714

However, Mayeroff is silent with respect to determining which active display segments if any have been deactivated.

In an analogous gaming patent, Vancura teaches a gaming machine that incorporates in the secondary slot machine an accumulation method of an award. In Vancura, the active display symbols are presented to a player and the reels are spun. When the reels come to a stop the awards are accumulated and the processor is able to check for a 'lose' or 'stop' symbol (*ie: deactivation*). If none of these symbols are detected than the reels are considered active segments and the reels will begin to spin again (*see col. 6 : ln 1-3, 18-33, col. 11: ln 6-15*). As taught by Vancura this process is repeated until a 'lose' or 'stop' game symbol appears on the reel segment (*see col. 3: ln 12-55*). Vancura teaches that one would be motivated to incorporate this feature into the game machine in order to provide an award event that provides enjoyment and more player involvement (*see col. 2: ln 55-67*). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the spinning reel that stops with a discontinue symbol into that of a game machine at the time the invention was made.

Regarding claims 25-28, Mayeroff discloses a system wherein the processor comprises a random number generator configured to randomly select the symbols for presentation via the reels. Additionally, the system implements a user interface mechanism to allow the player to initiate each repetition of the random presentation of symbols (*see col. 1: ln 10-54*). Mayeroff also discloses a bonus payout bar to present payout subtotals for each of the reels associated with the bonus mode of operation (*see Table 2 and 3 of col. 7-8 and Fig. 1 and the related description thereof*). Furthermore,

Art Unit: 3714

the processor is configured to automatically repeat the random presentation of symbols and deactivation of the reels associated with the discontinue symbols until all of the active display reels have been deactivated without player intervention (*see col. 4: ln 35-col. 5: ln 47*).

Regarding claim 37 and 38, Mayeroff discloses a method of operating a reel segment that is prevented from presenting another symbol in the same play of the game (*see display element [40] of Fig. 1 and the related description thereof*).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Okada (US 6,620,044 B1) – Gaming Machine.

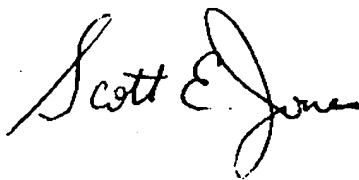

Glavich et al. (US 6,634,945 B2) – Gaming Device Having Independent Bonus Reels.

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached at (571)-272-6788.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).



SCOTT JONES
PRIMARY EXAMINER

RH

3/2/07